THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12738 of 2007

Dated:18.07.2007

Between:

Gundapuneedi Pattabhiramaiah, S/o.Sansaiah,
and others.

...Petitioners

and

The District Collector,
West Godavari District, Eluru,
and others.

...Respondents.

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ORDER:

The petitioners are residents of Kovvuru. They statedly owned agricultural lands on both sides of Kovvuru-Nandamuru road. They allege that at present the road is being used by the farmers who own lands abutting the road as well as sugarcane growers for transporting the sugarcane bundles. On 15th and 16th June 2007, the respondents allegedly conducted survey with a view to grant house site pattas in the land, which forms part of R & B Road in Kovvuru-Nandamuru. They filed this Writ Petition seeking a direction to the respondents to desist from assigning house site pattas on the road margin.

At the stage of admission itself, a counter affidavit is filed. It is admitted that the land in R.S.No.396/2 of Kovvur Town is classified in the revenue records as Bandi Dari Poramboke (cart track road). It is further stated as under.

> …the petitioners are having agricultural lands abutting the road and actually no drain for flow of drain water was demarcated in Revenue Records and actually a drain is situated on ground. As a part of mass grabbing of

> Government vacant lands by the CPM Party, the land available between the road margin and the said drain was occupied 15 days back and it was promised to conduct survey of the Bandi Dari poramboke and to take necessary action for allotment of the vacant land available if any and accordingly survey was conducted. However, no drain was demarcated in revenue records, sufficient width of land is being left for free passage of excess drain water and waste water from the fields. It is also decided to leave sufficient land for formation of road from the fields to Nandamuru road as and when the house sites allotted.

The counter affidavit also refers to the fact that the present road is 130 feet width and a portion of the same is occupied by the adjacent ryots, which is being proposed for allotment of house sites. The Tahasildar, who filed counter affidavit also states that as the land is situated in Kovvur Municipality necessary steps will be taken to notify the municipality informing the conversion of Bandi Dari Poramboke into village site.

Learned Counsel for the petitioners strenuously contends that when admittedly the land in R.S.No.396/2 is classified as road, the same or part of the same or the margin of the same cannot be assigned as house sites. **Opposing** the Writ Petition, the learned Assistant Government Pleader submits that the margin of the existing roads are occupied by ryots and now it is proposed to assign the said land leaving sufficient land for formation of road from the fields to Nandamuru. He also points out that the petitioners have not filed any reply denying the same.

A perusal of the counter affidavit would show that the respondents are very much aware of the existing ground situation. What is proposed now for assignment is the land, which is encroached upon by the adjacent ryots. If there is no hindrance for the movement of vehicles, this Court fails to appreciate as to how the allotment of house sites after evicting the encroachments would cause hindrance to the petitioners or others. Now that the decision is taken to reclassify the Bandi Dari Poramboke land into assessed waste dry after informing the municipality, the petitioners are given liberty to file all their objections before the Tahasildar, who shall consider the same before submitting proposals to the District Collector for conversion of Bandi Dari Poramboke to village site.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

18.07.2007
vs